THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19137 of 2005

06.9.2005

Between:

1. Erraboyina Madhu, S/o.Narasimhulu, Boudha Nagar, Varasiguda,

Secunderabad and another.

… Petitioners.

AND

1. Government of A.P. rep. By its Principal Secretary,

Municipal Administration & Urban Development Department,

Secretariat, Hyderabad and three others.

… Respondents.

ORDER:

The petitioners claim to be the owners of property situated on St. Mary's Road, Secunderabad. Some time, in 2003, when there was a move on the part of the Municipal Corporation of Hyderabad (MCH), the petitioners along with 43 others filed a writ petition being W.P.No.6577 of 2003. This Court disposed of the said writ petition on 21.4.2004. Thereafter, the MCH issued notices on 11.8.2005 and 23.8.2005 requesting the petitioners to give consent to hand over advance possession of the affected area for taking up road widening work in the interest of larger public. The petitioners did not give consent but, apprehending that the respondents might initiate action for demolition of the structures, filed the present writ petition.

It is now well settled that under Hyderabad Municipal Corporation Act, 1955 (the Act), it is open for the MCH to acquire the land for road widening or for any other purpose either by negotiation with the owners of the property under Section 145 of the Act or by initiating proceedings under Land Acquisition Act, 1894 in accordance with Section 147 of the Act. Till such exercise is completed, the petitioners' right to enjoy the property without let or hindrance shall not be denied to them nor the MCH can demolish the properties in a coercive manner.

The writ petition is, accordingly, disposed of. No costs.

_____

(**V.V.S.RAO,J**)

September 06, 2005.

YS